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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: TROPICANA ORANGE JUICE
MARKETING AND SALES
PRACTICES LITIGATION

MDL 2353

Master Docket No. 2:11-cv-7382(WJM)(JBC)

This Document Relates To: ALL CASES

Filed Under Seal

NOTICE OF MOTION

To: All Counsel via ECF

COUNSEL:

PLEASE TAKE NOTICE that, at such date and time as the Court shall determine, Plaintiffs shall move before the Hon. William J. Martini, U.S.D.J. at the Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey for an order granting a renewed motion for class certification pursuant to Rule 23(c)(1)(C) of the Federal Rules of Civil Procedure, for the appointment of Plaintiff as Class representative, and for the appointment of James E. Cecchi and Stephen A. Weiss as Class Counsel.

PLEASE TAKE FURTHER NOTICE that, in support of the motion, the undersigned intends to rely upon the accompanying Memorandum of Law and the Supplemental Declaration of Donald A. Ecklund filed on October 19, 2018.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Federal Rules of Civil Procedure, a proposed form of Order is attached.

PLEASE TAKE FURTHER NOTICE that the undersigned hereby requests oral argument.

Dated: October 19, 2018

CARELLA BYRNE CECCHI
OLSTEIN BRODY & AGNELLO, P.C.

By: /s/ James E. Cecchi
JAMES E. CECCHI

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PROPOSED ORDER

THIS MATTER having been opened to the Court by Plaintiffs, in the presence of counsel for Defendant, and the Court having considered the memoranda of the parties, the evidence presented, other papers filed in this action, and the arguments of counsel, and good cause appearing,

IT IS THIS _____ day of _____, 2018

ORDERED as follows:

1. The Court finds that:

- a. The Class members are so numerous that joinder of all members is impracticable;

- b. There are questions of law and fact common to the Class;
- c. The claims of Plaintiff are typical of the claims of the other members of the Class;
- d. Plaintiff will fairly and adequately protect the interests of the Class;
- e. The questions of law and fact common to the Class predominate over any questions affecting only individual members of the Class;
- f. A class action is superior to the other available methods for a fair and efficient adjudication of this controversy;
- g. Co-Lead Counsel for Plaintiff are qualified to serve as counsel in this litigation for Plaintiff in her individual and representative capacities and for the Class.

2. The following class is hereby certified:

All consumers who were or are members of a Costco Wholesale Store in the State of California and who purchased Tropicana Pure Premium Orange Juice at a Costco Wholesale store in the State of California between January 1, 2008 and the present (“California Class”).

All consumers who were or are members of a Costco Wholesale Store in the State of New York and who purchased Tropicana Pure Premium Orange Juice at a Costco Wholesale store in the State of New York between January 1, 2008 and the present (“California Class”).

3. The following claims are certified for class-wide treatment:

- a. Violation of the California Unfair Competition Law and Consumer Legal Remedies Act on behalf of the members of the class who are California purchasers; and
 - b. Violation of the New York General Business Law §§ 349 and 350 on behalf of members of the class who are New York purchasers.
4. The following Plaintiff is hereby appointed as representative of the following classes:
- a. Angelena Lewis on behalf of the Class and as representative of the California and New York classes.
5. The law firms of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. and Seeger Weiss LLP are hereby appointed Class Counsel.

WILLIAM J. MARTINI, U.S.D.J